

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	8:05CV154
)	
TIMOTHY M. KURMEL and)	BK 03-82722 (Chapter 7)
MARY JO KURMEL,)	
)	A03-8075
Debtors.)	

JUDITH O. LETRUD, SHELLY A.)	MEMORANDUM AND ORDER
KOEHLER, and HEARTLAND)	
PHYSICAL THERAPY, INC.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
TIMOTHY M. KURMEL and)	
MARY JO KURMEL,)	
)	
Defendants.)	

The appellants (debtors/defendants) have filed a motion pursuant to the Federal Rules of Bankruptcy Procedure, Rule 8005, for a stay of the bankruptcy court's judgment¹ pending appeal. The appellants previously sought a stay from the bankruptcy court, but the application was denied when, following a hearing that was held on March 2, 2005, they notified the court that "evidence regarding assets and income and appropriate amount of bond will not be submitted" as had been directed by the court at the conclusion of the hearing. See bankruptcy court docket sheet (filing 3), entries 61 and 64.

¹ The bankruptcy court's judgment, entered on January 28, 2005, determined that a state court judgment in favor of the appellees (plaintiffs) in the amount of \$378,386.30 is not dischargeable.

The appellants have not demonstrated that the bankruptcy court abused its discretion in concluding that a stay of judgment should be conditioned upon the filing of a bond, as permitted by Rule 8005, and in requiring them to “present evidence regarding assets and income and appropriate amount of bond.” (Bankruptcy court docket entry 61.) Nor have the appellants given any indication that they are now willing to file a bond or to present any evidence related thereto. Accordingly, their renewed motion for a stay will be denied.

IT IS ORDERED that the appellants’ motion for stay of judgment pending appeal (filing 9) is denied.

July 1, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge